

GOVERNOR'S
REASONS
FOR VETO:

The Governor said the bill granted special and unusual powers to the Denton County Fresh Water Supply District No. 1, separating it from other applicants, by authorizing the district to divide into two or more districts prior to issuing bonds and levying a property tax. He noted that a utility district can be created either by the Water Commission through a hearings process or by the Legislature through the legislative process. In either case, standard procedures are applied to all applicants with no special privilege given to any applicant. He said these procedures were necessary "to insure a sound legal and financial policy for all parties concerned, including the state." He objected to HB 2439 because it would have granted the Denton County district a privilege not available to other districts.

SPONSOR'S
VIEW:

Rep. Campbell's office said that this was a local bill that would not have been brought to the Governor's attention except that it affected a development owned by H. R. "Bum" Bright. For further comments, see the sponsor's view of a related bill, HB 2497, below.

Creating Colden Road Utility District
(HB 2497 by Campbell)

DIGEST: The bill would have created in Denton County a road utility district (RUD) empowered to undertake road projects and issue bonds.

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The Governor said the purpose of HB 2497 could be accomplished without legislation, since the State Highways and Public Transportation Commission has the authority to approve the creation of road utility districts.

SPONSOR'S
VIEW:

Rep. Campbell said his bill had been part of a legislative package intended to speed development of a tract of land near State Highway 121 northeast of Fort Worth. RUDs can be created either by statute or through the Highway Department, but affected landowners (notably H.R. "Bum" Bright) asked Campbell to try the legislative route before they attempted a tussle with the Highway Department. Other RUD bills went through the Legislature this session, Campbell said, and the

Governor did not see fit to veto them. "He didn't have much of a reason other than it was Bum Bright's bill," Campbell said of Gov. White's veto. "All that it's done is delay a vitally needed highway."

NOTES: Gov. White vetoed another of the Denton County development bills, HB 2439 by Campbell (see pages 18 and 19). However the Governor did sign both HB 2391 by Campbell, which creates a Reclamation, Road, and Utility District in the area, and HB 2394 by Horn, which creates Denton County Levee Improvement District No. 1.

Communicating with state-agency adjudicators
(SB 189 by Blake)

DIGEST: This bill would have allowed anyone to communicate in writing with state-agency employees assigned to decide a contested case, without having to give all the parties to the case an opportunity to participate. Anyone making such a communication would have been required to provide copies of the communication, on request, to the other parties.

GOVERNOR'S
REASONS
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The Governor said the bill could have violated due process and the right to confrontation because it would have permitted persons to make ex parte written communications with state-agency decision makers. "To permit enactment of this bill could seriously undermine the integrity and trustworthiness of these adjudicatory proceedings....,"he said.

SPONSOR'S
VIEW:

Sen. Blake had no comment on the veto.

NOTES:

An ex parte communication is one between the adjudicator and a party to a case in which other parties to the case cannot participate.

Mental-health administrator for Harris County Probate Court No. 3
(SB 334 by Whitmire)

DIGEST: SB 334 would have allowed the judge of Harris County Probate Court No. 3 to hire a mental-health administrator to assist in the handling of mental-health cases. The judge would have set the administrator's salary at between 65 percent and 75